



Docket Number (Optional)

JAR-3691-666

PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Application Number	Filed
	10/811,309	March 29, 2004
First Named Inventor		RICHARDSON
Art Unit	Examiner	J. LAZORCIK
1731		

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

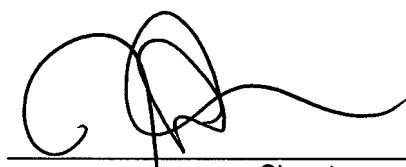
I am the

Applicant/Inventor

Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)

Attorney or agent of record 37,515
(Reg. No.)

Attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 C.F.R. § 1.34 _____



Signature
Joseph A. Rhoa

Typed or printed name

703-816-4043
Requester's telephone number

September 7, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

*Total of 1 form/s are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

RICHARDSON et al. Atty. Ref.: 3691-666; Confirmation No. 8273

Appl. No. 10/811,309 TC/A.U. 1731

Filed: March 29, 2004 Examiner: J. LAZORCIK

For: METHOD OF MAKING COATED GLASS ARTICLE, AND INTERMEDIATE PRODUCT USED IN SAME

* * * * *

September 7, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the OG Notice of July 12, 2005, applicant hereby requests a pre-appeal brief review of this case for at least the following reasons.

Section 112 Rejection

Claims 8-11 and 19-20 stand rejected under Section 112, second paragraph. These rejections are respectfully traversed. The instant specification explains in paragraph [0049] that a bush test involved using a dry brush for an abrasion test where the dry brush is used to rub the coated sheet in order to simulate a situation where water was unexpectedly cut off in a coated sheet washer. Moreover, the specification explains in paragraph [0049] that a glove mar test is an abrasion test using a rubbing material similar to that commonly used in gloves of glass handlers. These tests are thus defined in the specification. The use of "brush test" and "glove

mar test" in these claims is clear and definite. Since no art rejection has been made with respect to claims 8-11 and 19-20, these claims are in condition for allowance.

Claim 1

Claim 1 stands rejected under Section 103(a) as being allegedly unpatentable over Stachowiak (US 6,602,608) in view of both Medwick (US 6,682,773) and Konda (US 5,254,201). This 3-way Section 103(a) rejection is respectfully traversed for at least the following reasons.

The Office Action contends that it would have been obvious to have modified Stachowiak by provide a protective coating thereon as taught by Medwick. However, even if Stachowiak is modified by applying to it the protective coating of Medwick (which applicant does not agree with), the resulting modified product still would not meet the invention of claim 1. In particular, the resulting product still would not have a protective coating applied "in non-liquid form" and which is removed by "peeling" as required by claim 1. Instead, as explained in paragraph [0014] of the instant specification, Medwick's coating is a reaction product applied in liquid form. Moreover, Medwick's reaction product coating cannot be removed by peeling, and requires much more complicated and undesirable steps. *Thus, even the proposed modification to Stachowiak in view of Medwick would not meet the invention of claim 1 for at least these several reasons.*

The Office Action then contends that it would have been obvious to have used the solid film of Konda in Stachowiak/Medwick. This contention is incorrect and is respectfully traversed. Konda discloses a conductive wafer-protective sheet that is used to protect semiconductor wafers from static electricity. In this regard, Konda requires that the protective sheet is electrically *conductive*, so that it can protect the *semiconductor wafer from static*

electricity (e.g., col. 2, lines 55-58; col. 4, lines 6-15). In contrast, there is no static electricity problem in Stachowiak/Medwick. Moreover, there is no semiconductor wafer to protect in Stachowiak/Medwick. Because Stachowiak has no semiconductor wafer to protect, and there is no problem with static electricity in Stachowiak, there is no reason why one of ordinary skill in the art would have ever used Konda's conductive wafer-protective sheet in the device of Stachowiak. Additionally, there is no reason why one of ordinary skill would ever want a conductive protective sheet to be present in Stachowiak/Medwick, given that this could be damaging and destroy the product during glass processing such as cutting and scoring. One of ordinary skill would have used a conductive coating in a coated glass application. Thus, it will be appreciated that there is no suggestion or motivation in the cited art for the alleged modification of Stachowiak based on Konda.

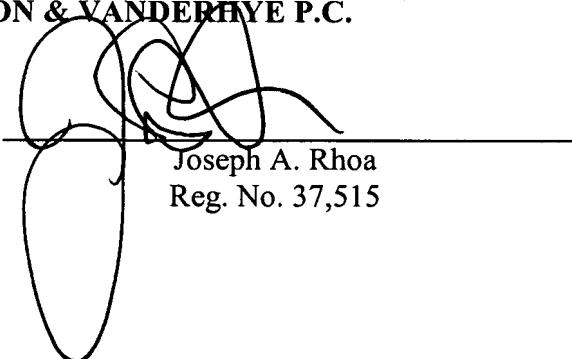
The above 3-way Section 103(a) is incorrect for the reasons discussed above. This rejection should be withdrawn as to pending claims 1-7 and 12-18.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance.

Respectfully submitted,

NIXON & VANDERHYPE P.C.

By:



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